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**State of New Jersey**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
Governor

LISA P. JACKSON  
Commissioner

APR 24 2008

Susan Janowiak, Acting Director  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
Region II  
290 Broadway  
New York, New York 10007-1866

Re: Removal Action Site Consideration for Lead  
Contamination along Laurence Harbor Seawall

Dear Director Janowiak:

The New Jersey Department of Environmental Protection (NJDEP) submits the seawall portion of the Margaret's Creek and Laurence Harbor Seawall site in Old Bridge, New Jersey for removal action consideration under the federal Comprehensive Environmental Response and Cleanup Liability Act (CERCLA). NJDEP is concerned that limited site access restrictions previously implemented at the site will not adequately protect public health and the environment for an extended time. This is due to uncontrolled lead contamination that remains on a seawall and on a portion of a public beach, both part of Waterfront Park along the Raritan Bay in the Laurence Harbor section of Old Bridge.

NJDEP specifically recommends that the U.S. Environmental Protection Agency (USEPA) evaluate a removal action to address lead waste associated with fill incorporated in the seawall along Laurence Harbor. Sediment in the Raritan Bay also would need to be evaluated and removed, if necessary, as part of this action to avoid recontamination issues.

Removal of the lead contamination in the beach sand and seawall will provide greater protection to residents and visitors who frequent the Laurence Harbor bay-front location. The New Jersey Department of Health and Senior Services' Hazardous Site Health Evaluation Program recommended access restrictions to the seawall and portion of the public beach as a temporary measure to prevent exposure to the lead waste after evaluating site conditions using EPA's Integrated Exposure Uptake Biokinetic (IEUBK) Model for Lead in Children.

Old Bridge Township officials worked with DEP to notify the public in writing about health concerns for the lead waste material and restrict access through signage and some fencing. However, due physical constraints, it is not practical to completely fence off this area and public access to contaminated areas remains a concern. Also, this location is a

public park frequented by numerous residents and transient visitors that has been effectively placed off limits.

Negotiations with a potential responsible party, NL Industries, Inc. (NL), to conduct necessary remedial work have been unsuccessful to date as evidenced by the company's failure to provide DEP with funding for past investigative work or to sign an Administrative Consent Order (ACO) for remediation of the seawall area. In addition, DEP continues to pursue action by NL under an ACO for an adjacent property along Margaret's Creek where related lead contamination has been found.

#### Site and Enforcement Background

The Margaret's Creek and Laurence Harbor Seawall site occupies at least 60 acres off of Route 35.

In September 1972, DEP was advised by a local environmental commission member that lead bearing waste material was being disposed of along the Laurence Harbor beach front on Raritan Bay. By letter to DEP dated December 7, 1972, NL acknowledged that "slag which consists of non-recoverable low yield metallic waste from blast furnace and blast furnace rubble are disposed of by Liberty Tricking Company at their property in Madison Township, Route 35, New Jersey." Madison Township is now known as Old Bridge Township. NL used battery plates from lead/acid storage batteries as the principal feed material for the blast furnace located at its plant in Perth Amboy.

The Margaret's Creek portion of the site was proposed for acquisition by the State of New Jersey under the Green Acres Program in 2006. During a preliminary assessment phase of the Green Acres review process, historical aerial photos revealed the filling of approximately 20 acres of the site by 1974.

On December 13, 2006, a limited site investigation was conducted to visually characterize fill material via excavation of test pits. Waste materials were evident in numerous locations across the surface of the site, including large quantities of what appeared to be shredded automotive battery casings and refractory brick and slag. On March 14, 2007, the Department collected soil samples at the portion of the Margaret's Creek portion of the site. Lead was detected at concentrations ranging from 701 to 146,000 parts per million (ppm), which are above the state's unrestricted use and restricted use Soil Cleanup Criteria.

On May 23, 2007 the Department conducted further soil sampling. Antimony was detected at concentrations above state criteria, ranging from 17.8 ppm to 12,900 ppm. Arsenic was detected at concentrations above state criteria, ranging from 23.6 ppm to 3,350 ppm. Lead was detected at concentrations above state criteria, ranging from 647 ppm to 142,000 ppm. On July 24, 2007 the Department conducted its most recent round of soil sampling in a preliminary attempt to identify the boundary of contaminated soils in public areas.

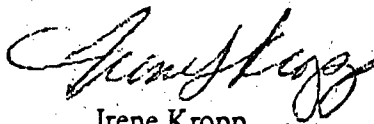
In addition to the removal action request, DEP has determined that it is necessary to conduct a remedial investigation at the site to fully delineate the nature and extent of the problem presented by the lead-bearing waste. Upon completion of the remedial investigation, it will be necessary to implement a remedial action to address the discharges at the site.

The substances found at the site are hazardous substances pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11b.

Summary

NJDEP recently provided background and site assessment files related to contamination at the subject site to your removal action branch staff. If you have any questions or would like to discuss these issues in further detail, please contact Fred Mumford, Superfund coordinator in the Publicly Funded Remediation Element, at (609) 984-3074.

Sincerely,



Irene Kropp  
Assistant Commissioner  
Site Remediation and Waste Management

C: Joseph Rotola, Branch Chief, Removal Action Branch, USEPA Region II  
Ed Putnam, Assistant Director, Publicly Funded Remediation Element, NJDEP  
James Brownlee, Director, Consumer and Environmental Health, NJDHSS  
Michael Jacobs, Business Administrator, Old Bridge Township